

CHAPTER 1: INTRODUCTION

INTRODUCTION TO THE LAND USE PLAN PROCESS

The Town of Sunset Beach, like most coastal communities in southeastern North Carolina and northeastern South Carolina, has seen steadily increasing growth and development in its jurisdiction over the last fifteen years. This increase in development pressure has been primarily attributed to increases in coastal tourism and increases in the retiree population relocating to coastal areas. Other contributing factors include the



development of roads, highways, and bridges that make the coast more accessible to the entire population. The desire to live in and visit coastal areas has inevitably led to certain types of development and land uses that place stress on those very characteristics that make the coast a desirable place to be. Land use planning can play an integral part in avoiding or mitigating some of the negative side effects of rapid development by anticipating potential problems and establishing courses of action and management programs to handle those problems in advance.

The U.S. Congress initiated the first structured form of coastal land use planning in the country with the passage of the Coastal Zone Management Act (CZMA) in 1972. CZMA encouraged coastal states to preserve their coasts by establishing programs to manage and protect coastal resources. North Carolina passed its Coastal Area Management Act, known as CAMA, in 1974. CAMA established the Coastal Resources Commission (CRC) to guide growth and development in the 20 coastal counties. CAMA also provided a program framework for regulating development activity in coastal areas and required local land use planning in the 20 coastal counties. The required land use plan consists of policies, maps, and relevant technical data that serve as a community's blueprint for growth. Land use plans can provide guidance for both individual development projects and a broad range of policy issues at the local level.

THE FUNCTION AND UTILITY OF THE LAND USE PLAN

There are four key functions of a land use plan. First, a land use plan provides a source of information for basing public policy and governmental decisions. The planning process helps provide knowledge and understanding of the local area's population, demographics, economy, natural environment, community capacity for growth, and overall development trends. Secondly, a plan's policies provide guidance for future decision-making on public

and capital investment, as well as zoning and other development regulations. The third function of a plan is to provide a preview or predictor of future government action. The public, local government staff and developers are better informed and able to understand and predict how a government will make decisions if a plan is in place and its policies are followed. The fourth function of a plan and the on-going planning process is to provide the general public, the Planning Board, staff, and elected officials the opportunity to address and discuss issues important to the local area and to shape policies and regulations to best meet the goals of the community.

THE CAMA PERMIT PROCESS



The Coastal Area Management Act (CAMA) requires permits for any development in specially designated areas called **Areas of Environmental Concern (AEC)**. In Sunset Beach, **AECs** are generally those areas that are in close proximity to water (ocean, ICWW, creeks, etc.) or marsh (wetlands). A CAMA permit must be acquired if a development project meets **all** of the following conditions:

- The project is located within one of the 20 coastal counties of North Carolina;
- The project is considered "development" under CAMA;
- The project is within, or affects, an Area of Environmental Concern established by the Coastal Resources Commission;
- The project does not qualify for an exemption.

WHAT QUALIFIES AS A CAMA REGULATED DEVELOPMENT PROJECT?

Besides construction of residential and commercial buildings in an Area of Environmental Concern, "development" also generally includes activities such as dredging or filling coastal wetlands or waters, and construction of marinas, piers, docks, bulkheads, oceanfront structures and roads. The Coastal Area Management Act (NCGS 113A-103(5)(a)) defines a development project as: "any activity in a duly designated area of environmental concern ... involving, requiring or consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading; driving of pilings; clearing or alteration of land as an adjunct of construction; alteration or removal of sand dunes; alteration of the shore, bank or bottom of the Atlantic Ocean or any sound, bay, river, creek, stream, lake or canal".

WHAT IS AN AREA OF ENVIRONMENTAL CONCERN?

According to the Division of Coastal Management's (DCM) CAMA Handbook for Development in Coastal North Carolina (<http://www.ncnhp.org/web/cm/cama-handbook-for-development>), protecting and managing Areas of Environmental Concern is the basis for the CAMA permitting program. An AEC is generally an area of natural significance, which requires special management because it may be easily destroyed by erosion, flooding, or human activity; or it may have environmental, social, economic, or aesthetic values that make it a valuable resource. The CRC designates particular areas as AECs to protect them from unmanaged development, which may cause irreversible damage to property, public health, or the environment. AECs cover almost all 'navigable' coastal waters and about 3 percent of the land in the 20 coastal counties. As mentioned earlier, in Sunset Beach the AECs are generally those areas that are in close proximity to water (ocean, ICWW, creeks, etc.) or marsh (wetlands).



The Coastal Resources Commission has established the following four categories of AECs:

- The Estuarine and Ocean System (coastal wetlands, public trust and estuary waters, and estuarine shoreline);
- The Ocean Hazard System (ocean erodible setback area, un-vegetated beach area, inlet hazard area, and high hazard flood area);
- Public Water Supplies (small surface water supply watershed and public water supply well-fields); and
- Natural and Cultural Resource Areas (coastal complex natural areas, coastal areas that sustain remnant species, unique coastal geologic formations, significant coastal archaeological resources and significant coastal historical archeological resources).

A development project is likely in an AEC if it is:

- in, or on the shore of, navigable waters within the 20 CAMA counties;
- on a marsh or wetland;
- within 75 feet of the normal high water line along an estuarine shoreline;
- near the ocean beach (e.g. within 60'-120');
- within an ocean high hazard flood area (VE Zones on official flood maps);
- near an inlet;
- within 30 feet of the normal high water level of areas designated as inland fishing waters by the N.C. Marine Fisheries Commission and the N.C. Wildlife Resources Commission;
- near a public water supply; or

- within 575 feet of Outstanding Resource Waters defined by the Environmental Management Commission.

For more information on the CAMA Handbook for Development in Coastal North Carolina and for mitigating steps required during development, please visit the Division of Coastal Management website or contact the Sunset Beach Planning Department.

WHAT ARE THE TYPES OF CAMA PERMITS?

There are currently three types of development permits: major permits, general permits, and minor permits. The Division of Coastal Management (DCM) makes permit decisions after considering agency and public comments, and after determining whether a proposed project meets CRC rules and is consistent with the policies of the local government's land use plan.

The CAMA permit system is divided into major and minor permits based on the potential impacts and size of a development project.

Major permits are necessary for activities that **require other state or federal permits** (such as stormwater and sedimentation control), for projects that cover more than 20 acres, or for construction covering more than 60,000 square feet. Applications for major permits are reviewed by 10 state and 4 federal agencies before a decision is made.

Minor permits are required for projects, such as single-family houses, that do not require major permits or general permits. Permits are reviewed, issued and administered to CRC standards by local governments under contract with the Division of Coastal Management.

The Town of Sunset Beach issues CAMA minor permits.

General permits are used for routine projects that usually have little or no threat to the environment.

Some development may be authorized by exemption certificate. Section 103(5)(b) of the Coastal Area Management Act exempts the following activities from permitting requirements:

- road maintenance within a public right-of-way;
- utility maintenance on projects that already have CAMA permits;
- energy facilities covered by other laws or N.C. Utilities Commission rules;
- agricultural or forestry production that doesn't involve the excavation or filling of estuarine or navigable waters or coastal marshland (Note: these activities are not exempt from permitting requirements under the state's Dredge and Fill Law);
- agricultural or forestry ditches less than 6 feet wide and 4 feet deep;
- emergency maintenance and repairs when life and property are in danger; or
- the construction of an accessory building usually found with an existing structure, if no filling of estuarine or navigable waters or coastal marshland is involved.

PUBLIC INVOLVEMENT

Formulating policies based on community consensus covering a wide range of issues relies on adequate public involvement. In addition to providing the public an opportunity to provide their concerns on growth and development, a land use plan is intended to inform the public on the importance of planning, the role their town government plays in managing development, the possible impacts of unmanaged development, and the utility of preserving natural resources. The Sunset Beach Planning Board acted as the Steering Committee for the 2016 Land Use Plan.

On September 30th at 1:00pm, the Town held a Visioning Session to garner input from residents in order to develop a vision statement for the future of Sunset Beach. The photo below was taken at the Visioning Session.



On April 14th, 2016 a second public input meeting was held. Both public input meetings were advertised and the public was invited to attend. Attendance during both meetings was sparse. However, a community survey was also used to solicit public input from the residents and property owners of the Town. In total, there were 914 responses to the community survey. More than 10% of the permanent resident population responded to the survey, which is a noteworthy response rate. The survey results are provided in Chapter 8 of the Land Use Plan.